

Remarks/Arguments

In response to the Final Office Action, the Applicant offers the following remarks. Claims 1-6, 10-14, 21-31 have been cancelled, claims 7-9 and 15-20 have been withdrawn and claims 32-58 have been added. Claims 32-58 are pending in the present patent application.

1. Rejection Under 35 U.S.C. § 112

The Final Office Action rejects claims 2, 6 and 21-22, 10-14 and 23 and 25-31 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. These claims have been cancelled and the rejection is therefore moot.

2. Rejection Under 35 U.S.C. § 102

The Final Office Action rejects claims 1 and 24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,557,864 issued to Lenoir ("Lenoir"). These claims have been cancelled and the rejection is therefore moot.

3. Rejection Under 35 U.S.C. § 103

The Final Office Action rejects claims 2-6, 10-14, 21-23 and 25-31 under 35 U.S.C. § 103 as being obvious over Lenoir in view of U.S. Patent 6,119,371 issued to Goodwin et al. ("Goodwin et al."). These claims have been cancelled and the rejection is therefore moot.

4. Patentability of New Independent Claim 32

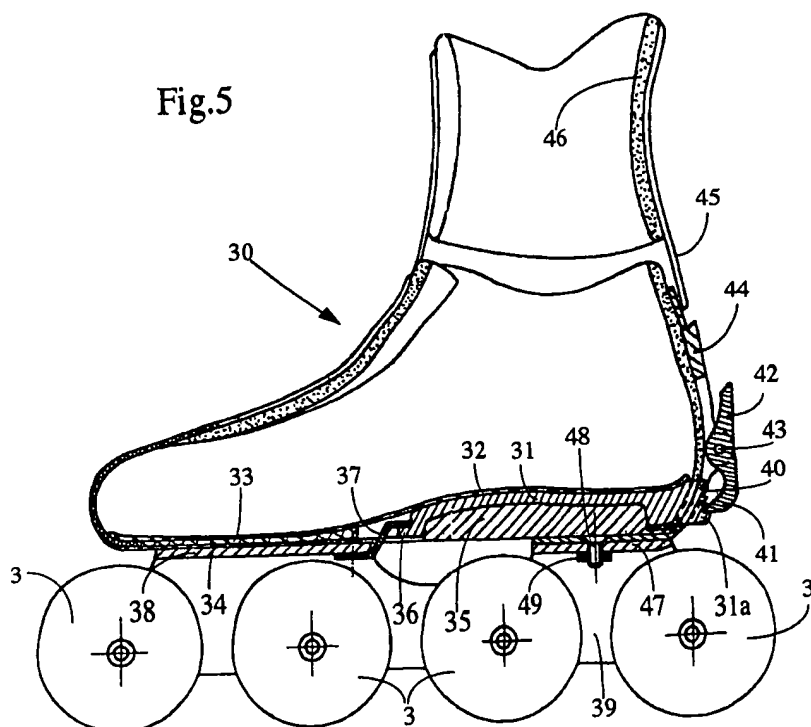
The Applicant has added new independent claim 32 that defines more specifically the distinctive features of the present invention that are neither disclosed nor suggested by Lenoir and Goodwin et al. No new matter has been added. Support for the amendments can be found throughout the present patent application including the drawings and claims as originally filed.

New independent claim 32 reads as follows:

32. An in-line roller skate comprising:

- (a) a skate boot comprising an upper for enclosing and supporting a human foot, said upper comprising a bottom portion;
- (b) a chassis carrying a plurality of aligned wheels, said chassis having front and rear portions;
- (c) an outsole covering said bottom portion of said upper, said outsole comprising a heel portion having a fork structure comprising upper and lower platforms and a rear mounting bracket extending downwardly from said lower platform for mounting said outsole to said rear portion of said chassis; and
- (d) an insert sandwiched between said upper and lower platforms for reducing shocks and vibrations transferred from said chassis to the human foot when one of said aligned wheels abuts an obstacle.

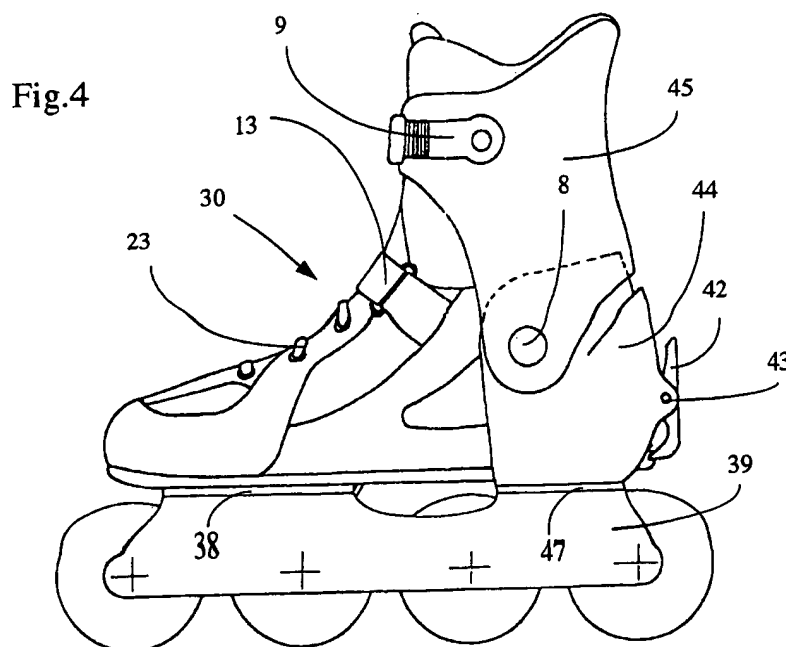
The Applicant reproduces herein below Figure 5 of Lenoir showing a releasable boot 30:



The releasable boot 30 of Lenoir comprises a comfort inner sole 32, a rigid insole 31 extending from the heel to the middle of the foot approximately and flexible/rubber soles 33, 34 extending from the middle of the foot approximately to the toes. A thick rubber 35 is affixed under the rigid insole 31.

Lenoir does not therefore disclose or suggest an outsole comprising a heel portion having a fork structure comprising upper and lower platforms as recited in claim 32.

The front end of the insole 31 of Lenoir has a projection 36 interacting with the attachment member 37 secured to the front platform 38 of the chassis 39. The rear end of the insole 31 has teeth 40 interacting with the nose 41 of the pawl 42 that is pivotably mounted on a heel reinforcement 44. The heel reinforcement 44 is affixed to the rear platform 47 of the chassis 39 by screw 48 and nuts 49. In the Final Office Action, the Examiner indicated that *Lenoir further discloses a rear mounting bracket (44) extending downwardly from the lower platform* (page 4, paragraph 8d.). The Examiner will however appreciate that the heel reinforcement (bracket) 44 does not form part of the sole of the releasable boot 30 but is rather another component of the skate. For ease of reference, the Applicant reproduces herein below Figure 4 of Lenoir (see heel reinforcement 44 that is affixed to the rear platform 47 of the chassis 39 and does not form part of the boot 30):



Moreover, as shown on Figures 4 and 5 of Lenoir, the releasable boot 30 is mounted to the chassis 39 by engaging the projection 36 under the attachment member 37 and by pressing the heel of the boot onto the rear platform 47 for engaging the teeth 40 of the insole 31 with the nose 41 of the pawl 42. The sole of the boot 33 is not therefore mounted to the rear platform 47 of the chassis 39.

Lenoir does not therefore disclose an outsole comprising a rear mounting bracket extending downwardly from the lower platform of the fork structure of the heel portion for mounting the outsole to a rear portion of the chassis as recited in claim 32.

The releasable boot 30 of Lenoir comprises a rubber sole 34 at the front and a rigid insole 31 with a thick rubber 35 at the rear. The releasable boot 30 is the only embodiment of the Lenoir invention that comprises such rubber sole and thick rubber. Lenoir is completely silent concerning the purpose of the rubber sole 34 and thick rubber 35. However, one may assume that the purpose of the rubber sole 34 and thick rubber 35 is to facilitate the walking of the wearer when the releasable boot 30 is removed from the chassis 39. Indeed, it is recognized that a sole made of plastic is slippery and rubber sole increases friction with the floor.

In any event, it is clear that Lenoir does not disclose or suggest an insert sandwiched between the upper and lower platforms for reducing shocks and vibrations transferred from the chassis to the human foot when one of the aligned wheels of the chassis abuts an obstacle as recited in claim 32.

The Applicant respectfully submits that Lenoir does not teach every feature of the invention defined in claim 32, either explicitly or impliedly. Moreover, there is no express or implied suggestion to combine Lenoir with Goodwin et al. in order to obtain the invention defined in claim 32. Claim 32 is therefore patentable over the cited references.

5. Patentability of New Dependent Claims 33 to 50

Because claims 33 to 50 depend from independent claim 32 and include by reference all of the limitations recited in this independent claim, the Applicant respectfully submits that these claims are also patentable.

6. Patentability of New Claims 51 to 58

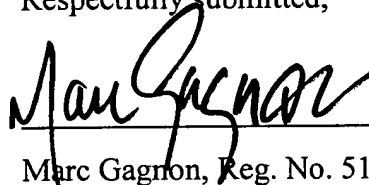
New independent claim 51 is patentable over the cited references since these references do not disclose or suggest an in-line roller skate comprising a chassis with two parallel rails having front and rear portions extending upwardly into respective front and rear pedestals that are integrally formed with an outsole covering said the bottom portion of the boot upper, the outsole comprising a heel portion having a fork structure comprising upper and lower platforms; and an insert sandwiched between the upper and lower platforms for reducing shocks and vibrations transferred from the chassis to the human foot when one of the aligned wheels abuts an obstacle as recited in claim 51. Because claims 52 to 58 depend from independent claim 51 and include by reference all of the limitations recited in this independent claim, the Applicant respectfully submits that these claims are also patentable.

CONCLUSION

In view of the above amendments and remarks, it is submitted that claims 32 to 58 are patentable over the cited references and that each of these pending claims is in condition for allowance. Favorable action is earnestly solicited.

Finally, the Examiner is invited to call the Applicant's undersigned representative if any further amendment will expedite the prosecution of the application or if the Examiner has any suggestions or questions concerning the application or the present response. In fact, if the claims of the application are not believed to be in full condition for allowance, for any reason, the Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP § 707.07(j) or in making constructive suggestions pursuant to MPEP § 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,



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